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**OFFICER: JOSEPH MUSARRA
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DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised as follows.

1. The New York City Police Department (NYPD) has deemed substantiated an allegation that on or about February 6, 2018, Joseph Musarra violated other department rules or procedures by failing to make a memo book entry as required.
2. The New York City Civilian Complaint Review Board (CCRB) has deemed substantiated allegations of Abuse-Physical Force and Abuse of Authority-Forcible Removal to Hospital for Joseph Mussara for an incident that occurred on February 22, 2018. On February 22, 2018, a civilian called 911 because she wanted a woman removed from her apartment. According to this civilian, the woman she wanted removed from the apartment had been staying in her home for about 6 months. The civilian complained that this woman drank alcohol all day in the apartment, smoked inside even though the complainant was asthmatic and fought with the complainant and her son each time they asked her to leave the apartment. Joseph Mussara and his partner responded to the apartment, located in the confines of Police Service Area #6 in Manhattan. When they arrived, they spoke with the complainant and she advised them that the woman had left the apartment. Joseph Mussara and his partner to call 911 if the woman returned to the apartment. A short time later, the complainant observed the woman returning to the apartment and called 911. According to the complainant, when Joseph Musarra and his partner arrived, Joseph Musarra's partner told the woman she was not allowed to stay at the apartment at which point the woman began screaming at the officers, said that she was going to enter the apartment, and attempted to push past the officers, but they held her back. Joseph Musarra's partner again told Ms. Morales that she was not allowed to enter but the officers eventually allowed the woman to enter to retrieve some of her belongings. Once inside the apartment, the woman began yelling and swearing at the officers and refused to collect her personal belongings. Joseph Mussara and his partner repeatedly asked the woman to leave the apartment and then removed her from the apartment.

The CCRB found that because the woman had been living in the apartment for more than 30 days, the officers had no authority to remove her from the apartment. Even though Joseph Musarra denied using any force on the woman inside the apartment, his partner acknowledged gently pushing her to keep her moving and that Joseph Musarra pulled her by her arms from the front because she repeatedly tried to remain in the apartment. The complainant also stated that Joseph Mussara used some level of force to pull the woman out of the apartment. Joseph Musarra also stated that after they removed the woman from the apartment, they had to use force against her because she attempted to get past the

officers and reenter the apartment by pushing and kicking them. Since the CCRB investigators determined that the officers did not have the authority to remove the woman from the apartment, they found that the force that Joseph Musarra used was not reasonable and therefore substantiated the allegation of Abuse-Physical Force.

The CCRB also found that although it was likely the woman who was removed from the apartment was intoxicated and acting aggressively, based upon the woman's statements, the witness's statements and the officers' statements, there was no evidence showing the woman was a danger to herself or others and required immediate medical attention at a hospital against her will. As such, the investigation determined by a preponderance of evidence that Joseph Musarra failed to follow the patrol guide when he forcibly removed the woman to the hospital without the direction of a supervisor. The CCRB therefore substantiated the Allegation of Abuse of Authority-Forcible Removal to Hospital for Joseph Musarra.

This matter was referred to the New York City Police Department (NYPD) which determined it was unable to prosecute the charge of Abuse of Authority-Forcible Removal to Hospital, but deemed substantiated the allegation that on February 22, 2018, Joseph Musarra, while assigned to housing P.S.A. #6, improperly used force to remove an individual from a location in an effort to evict said individual from the premises.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: January 12, 2021